The Facebook, Inc. v. Connectu, LLC et al

Doc. 252 Att. 35

EXHIBIT 35

Dockets.Justia.com

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiff,

v. C.A. No. 04-1923(DPW)

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW McCOLLUM,
CHRISTOPHER HUGHES and THE FACEBOOK,
INC.,

Defendants.

CERTIFIED COPY

VOLUME 1

VIDEOTAPED DEPOSITION OF CONNECTU LLC

BY CAMERON H. WINKLEVOSS

Boston, Massachusetts

Tuesday, August 9, 2005

9:44 a.m. to 6:27 p.m.

Reported by:
Jessica L. Williamson, RMR, RPR, CRR
Notary Public, CSR No. 138795

JOB NO. 36599

www.sarnoffcourtreporters.com

46 Corporate Park, Suite 100
Irvine, CA 92606

445 South Figueroa St., Suite 2950
Los Angeles, CA 90071

phone 877.955.3855
fax 949.955.3854

SARNOFF
Court Reporters and Legal Technologies

VIDEOTAPED DEPOSITION OF CONNECTU LLC by CAMERON H. WINKLEVOSS, a witness called on behalf of the Defendant Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes and The Facebook, Inc., pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, before Jessica L. Williamson, Registered Merit Reporter, Certified Realtime Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the Offices of Proskauer Rose, LLP, One International Place, Boston, Massachusetts, on Tuesday, August 9, 2005, commencing at 9:44 a.m.

A P P E A R A N C E S

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
(By John F. Hornick, Esq.
and Troy E. Grabow, Esq.)
901 New York Avenue, NW
Washington, D.C. 20001-4413
(202) 408-4000
john.hornick@finnegan.com
Counsel for the Plaintiff

A P P E A R A N C E S, Continued

ORRICK, HERRINGTON & SUTCLIFFE LLP
(By I. Neel Chatterjee, Esq.
and Joshua H. Walker, Esq.)
1000 Marsh Road
Menlo Park, California 94025
(650) 614-7356
nchatterjee@orrick.com
Counsel for the Defendants Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes and The Facebook, Inc.

HELLER EHRMAN LLP
(By Robert B. Hawk, Esq.)
275 Middlefield Road
Menlo Park, California 94025-3506
(650) 324-7000
robert.hawk@hellerehrman.com
Counsel for the Defendant Eduardo Saverin

ALSO PRESENT:

George Dobrentey, Videographer

P R O C E E D I N G S

THE VIDEOGRAPHER: We are recording and are now on the record. Today's date is August the 9th, 2005, and the time is 9:44 a.m. My name is George Dobrentey. I'm a legal videographer for G & M Court Reporters, Ltd. Our business address is 42 Chauncy Street, Suite 1A, Boston, Massachusetts 02111.

This is the deposition of Cameron Winklevoss in the matter of ConnectU vs. Zuckerberg in the United States District Court for the District of Massachusetts, Civil Action No. 04-1923(DPW).

This deposition is being taken at One International Place in Boston, Massachusetts, on behalf of the defendant. The court reporter is Jessica Williamson. Counsel will state their appearances, and the court reporter will administer the oath.

MR. CHATTERJEE: Neel Chatterjee and Joshua Walker for all of the defendants except for Eduardo Saverin.

MR. WALKER: Robert Hawk from Heller Ehrman for Defendant Saverin.

09:44:59 MR. HORNICK: John Hornick and Troy
9:45:01 Grabow for the plaintiff, ConnectU.

CAMERON H. WINKLEVOSS,

a witness called on behalf of the Defendants Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes and The Facebook, Inc., having first been duly sworn, was deposed and testifies as follows:

DIRECT EXAMINATION

BY MR. CHATTERJEE:

9:45:10 Q. Mr. Winklevoss, thank you for coming today.
09:45:14 Do you understand that your deposition today
09:45:16 is you're testifying on behalf of ConnectU
09:45:19 LLC?
09:45:19 A. Yes.
09:45:19 Q. Have you ever had your deposition taken
09:45:21 before?
09:45:21 A. No.
09:45:22 Q. I'm going to go over some ground rules with
09:45:26 you, and I'm just going to ask you to make
09:45:29 sure you understand them. You may have gone
09:45:31 over them with your counsel before.

A. And the answer --

Q. And he's made his objection.

A. The answer to that is --

MR. HORNICK: The witness may not know that, because --

A. Yeah --

MR. HORNICK: -- he wasn't prepared to testify about that topic today --

A. Yeah, I mean, I don't --

MR. HORNICK: -- so if you're speculating, don't speculate.

A. I can't -- I can't give an exact number because I don't have the exact number. I don't bill -- you know, I'm not in charge of the day-to-day expenses.

Q. Can you give me an estimate?

A. In terms of legal and programming costs, it could be upwards of approximately three to $400,000. But I would also caution that, you know, myself, Tyler and Divya are also investors in the company. I have a brokerage account, and I have done a lot of investing. So I, myself, have put money into the company, and Divya has put in money as well.

10:07:08
):07:10
10:07:12
10:07:12
10:07:15
10:07:19
10:07:23
10:07:27
10:07:29
10:07:30
10:07:33
10:07:36
10:07:38
):07:40
10:07:42
10:07:44
10:07:47
10:07:50
10:07:51
10:07:51
10:07:52
10:07:58
10:08:02
10:08:07
10:08:11

Redacted

Redacted

Redacted

Q. Are you familiar with someone by the name of Wayne Chang?

A. Yes.

Q. And who is he?

A. Wayne Chang is a University of -- Amherst UMass student, and he operates an organization called I2hub organization.

Q. Did ConnectU LLC ever merge with I2hub?

A. No.

MR. HORNICK: Objection, calls for a legal conclusion. Give me a chance to object --

THE WITNESS: Sure. Sorry.

MR. HORNICK: -- before you answer.

Q. So I'm sorry, what was your answer?

A. The answer -- I'm not a lawyer, but in terms of my understanding of a merger, no.

Q. Could you describe the business relationship between I2hub and ConnectU LLC?

A. Again, I'm not a lawyer. I can try to describe it, and I think that we had an understanding there might be some sort of synergy between the products. We -- and that's about it, but there's no formal relationship.

Q. Well, is there an entity called Social Butterfly that is owned by ConnectU LLC?

A. There is no entity called Social Butterfly.

Q. What is Social Butterfly?

A. Social Butterfly is a project that Wayne -- Wayne and I worked on.

Q. And what is that?

A. Social Butterfly is effectively -- it allows users to easily place their profile information into a social network.

MR. HORNICK: I'm going to object that this is all outside the scope, too, and not 30(b)(6) testimony.

MR. CHATTERJEE: Okay.

Q. And was there anything unique about Social Butterfly that differentiated it from other social networks?

A. Social Butterfly is not a social network.

Q. What is it?

A. As I stated before, it's a tool that facilitates users' ability to add content to their social network profile.

Q. And what kind of content?

A. Profile content that they may have put on another social network.

Q. Such as -- such as what? Can you give me some examples?

A. Any social network. We supported up to four or five, so that could be Myspace, that could be Hi5, Friendster, you name it.

Q. Is Social Butterfly still an active website?

A. Social Butterfly is not active right now.

Q. And was that Social Butterfly, was that owned by ConnectU or Wayne Chang?